

IT IS ORDERED

Date Entered on Docket: August 5, 2020



The Honorable David T. Thuma  
United States Bankruptcy Judge

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IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW MEXICO

IN RE:

**Ruben Jose Foster and Emelina M Foster,**

**Debtors.**

**Case No. 18-10285-TA13**

**STIPULATED ORDER REGARDING MOTION FOR  
RELIEF FROM AUTOMATIC STAY**

This matter comes before the Court on stipulation of Secured Creditor, Nationstar Mortgage LLC d/b/a Mr. Cooper, ("Secured Creditor"), and the Debtors, Ruben Jose Foster and Emelina M Foster ("Debtors"). Upon approval by the Secured Creditor, the Debtors, and the Chapter 13 Trustee, and good cause appearing,

IT IS THEREFORE ORDERED AS FOLLOWS:

1. This Stipulated Order affects the real property commonly known as: 7708 Banyon Avenue NW, Albuquerque, NM 87114 (the "Subject Property").
2. Commencing August 1, 2020, Debtors shall make regular monthly post-petition payments under the Note and Deed of Trust to Secured Creditor, and continuing on the first day of each month thereafter, under the terms of the Note and Deed of Trust.

3. Payments shall be made directly to Secured Creditor at Nationstar Mortgage LLC d/b/a Mr. Cooper, PO Box 619094, Dallas, TX 75261-9741, with reference to the last four digits of the Loan Number 9409, or as otherwise directed.

4. Commencing September 15, 2020, and continuing thereafter on the fifteenth day of each month through and including May 15, 2020, Debtors shall make an additional monthly payment of \$297.82, with a final payment due on March 15, 2021 in the amount of \$297.80 until post-petition arrears in the sum of **\$2,680.36** are paid. Said sum represents the post-petition delinquency itemized below:

2 Post-petition payment at \$1,237.34 each (6/1/2020 through 7/1/2020)	\$ 2,474.68
Bankruptcy attorney fees and costs at:	\$ 1,031.00
Less Debtor's Suspense	\$ (825.32)
<b>Total Delinquency in the amount of:</b>	<b>\$2,680.36</b>

5. Debtors shall timely perform all of their obligations under Secured Creditor's loan documents as they come due, including but not limited to the payment of real estate taxes, maintaining insurance coverage, Chapter 13 Plan payments, and any and all senior liens.

6. In the event Debtors fail to timely perform any of the obligations set forth in this stipulation, Secured Creditor shall notify Debtors and their counsel of the default in writing. Debtors shall have ten (10) calendar days from the date of the written notification to cure the default and to pay an additional \$100.00 for attorneys' fees for each occurrence. An additional \$200.00 will also be due if court certification of the default required.

7. If Debtors fail to timely cure the default, or defaults on the obligations set forth herein on more than two (2) occasions, Secured Creditor may file an Affidavit of Default and submit an Order Terminating the Automatic Stay for entry. The Order shall be entered without further hearing. The automatic stay shall be immediately terminated and extinguished for all purposes as to Secured Creditor and Secured Creditor may proceed with and hold a Special Master's sale of the Subject Property, pursuant to applicable state law, and without further Court

Order or proceeding being necessary, and commence any action necessary to obtain complete possession of the Subject Property, including unlawful detainer, if required.

8. Secured Creditor's Proof of Claim is due and owing and is allowed in full.

##END OF ORDER##

Prepared and submitted by:

/s/ Stephanie Schaeffer

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